IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.540 OF 2006
IN
SUIT NO.378 OF 2004

Canara Bank ..Plaintiffs.

Vs.

Kishore Kumar Haribhau
Nikale & Anr. ..Defendants.

Mr.V.N.Tripathi for the Plaintiffs.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 30TH AUGUST, 2006

P.C. :

The suit is filed to recover a housing loan granted by the Plaintiffs to Defendant No.1. Defendant No.2 is the guarantor. An amount of about Rs.4,80,000/- is due and payable by the Defendants to the Plaintiffs.

2. The repayment of the amount is secured by the creation of an equitable mortgage in respect of the suit flat.

3. In the circumstances, Notice of Motion is made absolute in terms of prayer (a) except the words bracketed in red.

4. The Receiver shall appoint the first Defendant as his agent on usual terms and conditions except as to security.

5. Till the Receiver takes possession, order in terms of prayer (b) except the words bracketed in red.